

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 580

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO CONTROLLED SUBSTANCES; ENACTING THE MARON CHRONIC PAIN MANAGEMENT ACT TO PROVIDE PROTOCOLS AND CRITERIA FOR PROVIDING CERTAIN CONTROLLED SUBSTANCES TO PATIENTS WHO SEEK CARE FOR PAIN MANAGEMENT; PROVIDING FOR A WEB-BASED CLEARINGHOUSE OF PATIENT INFORMATION; MANDATING THAT THE BOARD OF PHARMACY ADOPT RULES REQUIRING PRESCRIBERS TO CONSULT THE WEB-BASED CLEARINGHOUSE BEFORE PRESCRIBING CERTAIN CONTROLLED SUBSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. SHORT TITLE.--This act may be cited as the "Maron Chronic Pain Management Act".

SECTION 2. DEFINITIONS.--As used in the Maron Chronic Pain Management Act:

A. "drug test" means an analysis of an individual's

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
~~[bracketed material] = delete~~

1 hair, blood or urine to determine the presence of a drug or
2 substance listed in Schedules I through V of the Controlled
3 Substances Act; and

4 B. "health care provider" means a person authorized
5 by law to prescribe a controlled substance listed in Schedules
6 II through V of the Controlled Substances Act.

7 SECTION 3. CHRONIC PAIN MANAGEMENT--STANDARD OF
8 PROCEDURE.--

9 A. A health care provider who seeks to provide to a
10 patient care for pain management that incorporates the
11 prescribed use of controlled substances listed in Schedules II
12 through V of the Controlled Substances Act shall not provide
13 care to the patient until the patient or the patient's
14 representative has provided the following patient information:

15 (1) all medical records related to surgery,
16 injury and prior pain management;

17 (2) all prior medical caregivers, dates of
18 treatment and the purpose of each treatment;

19 (3) all felonies, incarcerations for felonies
20 and pending judicial decisions related to drug trafficking or
21 drug abuse;

22 (4) any records of drug addiction treatment as
23 an inpatient or outpatient at a facility for treatment of
24 opioid addiction; and

25 (5) the names of any immediate family member,

.183817.2

underscoring material = new
~~[bracketed material] = delete~~

1 spouse or partner to whom the patient is willing to grant a
2 release of health information, in compliance with state and
3 federal privacy laws, to permit those individuals to take part
4 in discussions and education by a health care provider
5 regarding the patient to foster a supportive personal
6 environment for the patient.

7 B. As a condition of receiving controlled
8 substances listed in Schedules II through V of the Controlled
9 Substances Act for pain management, a patient shall submit to a
10 drug test before receiving an initial administration of pain
11 management drugs, and thereafter as the health care provider
12 deems necessary to monitor any nontherapeutic use of controlled
13 substances.

14 C. The New Mexico medical board shall adopt rules
15 that provide for the creation of a "point system" whereby a
16 health care provider shall quantify a patient's suitability for
17 access to controlled substances listed in Schedules II through
18 V of the Controlled Substances Act for pain management. In
19 accordance with criteria that the board specifies by rule, a
20 health care provider shall provide a patient with controlled
21 substances listed in Schedules II through V of the Controlled
22 Substances Act only if the health care provider deems the
23 patient to be eligible for a minimum number of "points" in the
24 point system. In assigning points, the board shall consider
25 the following criteria:

.183817.2

underscoring material = new
~~[bracketed material] = delete~~

1 (1) the assignment of points in positive
2 correlation to the intensity of the medical care a patient
3 receives;

4 (2) the assignment of points in positive
5 correlation to the pain level that the patient is expected to
6 experience or that the patient reports experiencing; and

7 (3) the subtraction of points in correlation
8 to a patient's felony conviction for trafficking in controlled
9 substances.

10 D. If a patient is denied access to controlled
11 substances listed in Schedules II through V of the Controlled
12 Substances Act for pain management because the patient does not
13 meet the conditions to be provided these substances pursuant to
14 this section, the patient shall have an opportunity to appeal a
15 health care provider's decision to the New Mexico medical
16 board. The New Mexico medical board shall make a final
17 determination of the patient's eligibility for access to
18 controlled substances listed in Schedules II through V of the
19 Controlled Substances Act for pain management in accordance
20 with procedures and criteria that the board shall adopt by
21 rule.

22 E. A patient seeking access to controlled
23 substances listed in Schedules II through V of the Controlled
24 Substances Act for pain management shall be responsible for the
25 cost of:

.183817.2

underscoring material = new
~~[bracketed material] = delete~~

1 (1) supplying any of the information required
2 pursuant to Subsection A of this section;

3 (2) drug tests required pursuant to Subsection
4 B of this section; and

5 (3) any appeal that the patient files pursuant
6 to Subsection D of this section.

7 F. The New Mexico medical board shall establish a
8 web-based clearinghouse of patient information provided
9 pursuant to Subsection A of this section and the point system
10 developed pursuant to Subsection C of this section. The New
11 Mexico medical board shall ensure that the storage and sharing
12 of clearinghouse information is in compliance with state and
13 federal privacy laws. The board of pharmacy shall require a
14 health care provider to consult the information on the New
15 Mexico medical board's web-based clearinghouse, including a
16 patient's status in the point system, before prescribing to the
17 patient any controlled substance listed in Schedules II through
18 V of the Controlled Substances Act.